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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,259	02/18/2004	Kun-Hong Chen	E0523-00049(AU0309019)	5004
8933	7590	09/07/2007	EXAMINER	
DUANE MORRIS, LLP			CHEVALIER, ALICIA ANN	
IP DEPARTMENT			ART UNIT	
30 SOUTH 17TH STREET			PAPER NUMBER	
PHILADELPHIA, PA 19103-4196			1772	
			MAIL DATE	DELIVERY MODE
			09/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/782,259		CHEN ET AL.	
	Examiner		Art Unit	
	Alicia Chevalier		1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-86 is/are pending in the application.
- 4a) Of the above claim(s) 74-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to:
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on March 9, 2007 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 67-86 are pending in the application, claims 74-86 are withdrawn from consideration due to Applicant's election, in response filed November 7, 2005 in response to the restriction in office action mailed October 6, 2005. Claims 1-66 have been cancelled.
3. Amendments to the claims, filed on June 15, 2007, have been entered in the above-identified application.

REJECTIONS

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 102

5. Claims 67-73 are rejected under 35 U.S.C. 102(b) as being anticipated by So et al. (U.S. Patent No. 5,587,589).

So discloses a sealant region (*figure 2*) comprising a first material layer (*col.3, line 32*) formed over one or more layers of material disposed over a first substrate having a pixel which is deemed to be within a display region comprising a plurality of parallel openings (*col. 3, line 65 and figure 1*) and exposes a surface of the one or more layers of material and a predetermined

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sealant (*col. 3, lines 48-50*) disposed to form the sealant region perpendicular to the openings and attaching a second substrate (*figure 2*). The sealant is disposed over and contacts the first material layer and is disposed within the opening the openings and has substantially flat contact surfaces with the first material layer (*figure 2*).

The limitation “for encapsulating at least one display device comprising one or more layers of material forming a pixel disposed over a first substrate” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. It is further noted that Applicant recites “formed over the pixel”, “to expose a surface of the pixel”, and “to contact the exposed surface of the pixel”, these limitations merely limit the intended use of the sealant region. These limitations do not positively limit the sealant region and are therefore treated the same as the intended use statement that they limit.

The limitations “for attaching a second substrate” and “for sealing the pixel between the first and second substrates” are deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

It is noted that the only positive structural limitations in the sealant region of claim 6 are the first material layer and the sealant layer. The display device, pixel, first substrate and second substrate are all part of the intended use of the sealant region.

So discloses that the openings have a uniform width (*figure 1*). The first material layer is an organic polymer layer (*col. 3, lines 58-59*). The sealant in the opening is deemed to be balanced along a center axis of the sealant region and the width of the openings are deemed to be narrower than a total width of the sealant region (*figure 2*).

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments in the response filed June 15, 2007 regarding the previous rejections of record have been considered but are moot due to the new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

9/4/07


ALICIA CHEVALIER
PRIMARY EXAMINER